

Entered - 02/22/00 - sb
CL00L0073 - DIANNE C. MITCHELL

CLAIM OF: MRS. MARY T. LONDON
1730 Merton Road, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained as a
result of a sewer back up on January 17, 2000 at
1730 Merton Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVISED BY REPORT

COMM. P.S.L.A.

DATE 7/11/00

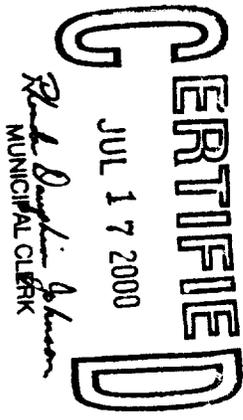
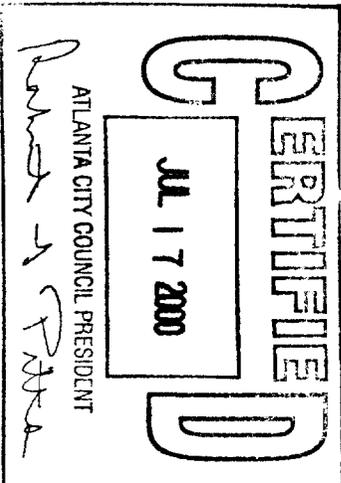
BY: A. T. Hank

[Signature]

[Signature]

[Signature]

ADVERSED BY
CITY COUNCIL
JUL 17 2000





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 28, 2000

Mary T. London
1730 Merton Rd, NE
Atlanta, GA 30306

00-R-1036

Dear Mrs. London:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 17, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0073

Date: June 27, 2000

Claimant /Victim MRS. MARY T. LONDON
BY: (Atty)
Address: 1730 Merton Road, NE, Atlanta, Georgia 30306
Subrogation: Claim for Property damage \$ 1,203.22 Bodily Injury \$
Date of Notice: 02/07/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/17/00 Place: 1730 Merton Road, NE
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems with the sewer line prior the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-27-00
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell
02/21/00
DM

Today's Date: February 3, 2000

FEB - 7

02-07-00P07:18 RCVD

Dear Municipal Clerk:

ENTERED - 2-22-00 - SB
00L0073 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,203.22 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: Jan. 17, 2000 2. Time of Incident: _____ 3. Police called: _____ Yes No
(month/day/year)

4. Location of incident (including street address): 1730 Merton Road, N.E.

5. Name of your insurance company: Siegel Insurance co. Policy No. Atlantic Mutual 512081720

6. State what and how incident occurred: City sewer back up causing overflow in the basement disabling heating/AC furnace.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Mrs Mary T London
Signature of Claimant

Mrs. Mary T. London
(Print Claimant's Name)

1730 Merton Road, N.E.
(Address)

Atlanta, GA. 30306
(City, State and Zip Code)

(404) 231-9600 (404) 874-6291
(Work Number) (Home Number)

00- *R* -1036